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10/561,305

12/19/2005

Terho Kaikuranata

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EXAMINER

ELAHEE, MD S

ART UNIT

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2614

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/561,305

Applicant(s)

KAIKURANATA, TERHO

Examiner

Md S. Elahee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/19/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on December 19, 2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

2. Claims 6 and 15 are objected to because of the following informalities: regarding 6, the phrase "the rendering velocity" in line 4, the phrase "the message perception velocity" in line 5 and the phrase "the user" in line 5 should apparently be "a rendering velocity", "a message perception velocity", "a user" respectively. Claim 15 is rejected for the same reasons as discussed above with respect to claim 6. Appropriate correction is required.

3. Claims 10 and 17 are objected to because of the following informalities: regarding claim 10, the phrase "the perceivable accentuation" in line 1 should apparently be "perceivable accentuation" and regarding claim 17, the phrase "a computer" in line 3 should apparently be "said digital computer". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Belrose (U.S. Pub. No. 2002/0191757).

Regarding claim 1, with respect to Figures 2-5, 7, 8, Belrose teaches a device for perceivably accentuating message elements of a SMS message [i.e., message], wherein said message is composed of message tags [i.e., message elements] chosen from a limited set of message tags [i.e., message elements], the device comprising:

means for defining and/or altering a set of selected message tags [i.e., Selected Message Elements (SMEs)] containing at least one message tag [i.e., SME], wherein each SME is a message element from said limited set of message elements (abstract; page 5, paragraphs 0057, 0059);

Belrose further teaches means for assigning a sound effect/graphic effect [i.e., Perceivable Accentuation Signal (PAS)] from a set of sound effects/graphic effects [i.e., PASs] to each of said message tags [i.e., SMEs] in said set of message tags [i.e., SMEs] (page 7, paragraphs 0074-0078, page 8, paragraph 0090); and

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Belrose further teaches means for searching said message for SMEs of said set of SMEs, and means for generating the assigned PAS for each SME found in said message (page 7, paragraphs 0074-0078).

Regarding claims 2 and 11, Belrose, as applied to claims 1 and 10, teaches that said set of PASs comprises optically and/or acoustically and/or haptically and/or olfactorily and/or thermally and/or electrically PASs (page 7, paragraphs 0074-0078, page 8, paragraph 0090). (Note; examiner considers the claimed “or” in 2 as simple alternative “or”, therefore, examiner selects only “acoustically”).)

Regarding claims 3 and 12, Belrose, as applied to claims 1 and 10, teaches that said PASs in said set of PASs have different signal characteristics such as amplitudes and/or frequencies and/or durations and/or signal forms (page 7, paragraphs 0074-0078). (Note; examiner considers the claimed “or” in 2 as simple alternative “or”, therefore, examiner selects only “durations”).)

Regarding claims 4 and 13, Belrose, as applied to claims 1 and 10, teaches that said message is a text message, that said message elements are characters or combinations thereof and that said means for searching said message for SMEs of said set of SMEs comprises a parser (abstract; page 1, paragraphs 0012, 0014, page 4, paragraph 0048, page 5, paragraphs 0061, 0062, page 6, paragraphs 0068-0070).

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Regarding claims 5 and 14, Belrose, as applied to claims 1 and 10, teaches that said set of SMEs and information on the PASs assigned to each SME in said set of SMEs are stored in said device (fig. 7; page 6, paragraph 0073, page 7, paragraphs 0074-0078).

Regarding claims 6 and 15, Belrose, as applied to claims 1 and 10, teaches that said means for generating the assigned PAS for each SME found in said message comprises means for generating said assigned PASs for each SME found in the message sequentially and synchronised with the rendering velocity of the message and/or synchronised with the message perception velocity of the user of said device (page 6, paragraph 0073, page 7, paragraphs 0074-0078).

Regarding claims 7 and 16, Belrose, as applied to claims 6 and 15, teaches that the device further comprises means for determining the message perception velocity of the user of said device (page 7, paragraphs 0074-0079). (Note; since sound effect is produced based on the reading speed of a message [i.e., message perception velocity] by a user, it is inherent that the device has a means which can determine the message perception velocity of the user.)

Regarding claim 8, Belrose, as applied to claim 1, teaches that said device is contained in a mobile station 73 in Fig. 7 [i.e., mobile phone] that is operable in a mobile communications system and that said message is a message in the format of the Short Message Service (SMS) (abstract; fig. 7; page 6, paragraph 0071, page 7, paragraph 0082).

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Claim 10 is rejected for the same reasons as discussed above with respect to claim 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belrose in view of Moran et al. (U.S. Pub. No. 2003/0104827).

Regarding claim 9, Belrose, as applied to claim 1, teaches that said device is contained in a receiving entity/device and that said message is an electronic mail (e-mail) message (page 7, paragraph 0082).

However, Belrose does not specifically teach that the receiving entity/device is a computer. Belrose suggests that receiving entity 92 in Fig.8 can be a device capable of creating and sending e-mails (page 7, paragraph 0082). Moran teaches that the destination (receiving) device is a PC [i.e., computer] (page 3, paragraph 0036). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Belrose to incorporate the receiving entity/device as a computer in Belrose's invention as taught by Moran. The motivation for the modification is to do so in order to provide higher memory space such that a PC user can store more messages in the PC's memory space.

Regarding claim 17, Belrose, as applied to claim 10, teaches that a computer program product directly loadable into the internal memory of a receiving entity/device, comprising software code portions for performing the method steps of claim 10 when said product is run on a receiving entity/device (page 6, paragraph 0073, page 7, paragraphs 0074-0082). (Note; since features are performed automatically by receiving device it is clear that there must have computer program stored in the memory of the device to perform the features of the device.)

However, Belrose does not specifically teach that the receiving entity/device is a digital computer and said product is run on a computer. Belrose suggests that receiving entity 92 in Fig.8 can be a device capable of creating and sending e-mails (page 7, paragraph 0082). Moran teaches that the destination (receiving) device is a PC [i.e., computer] (page 3, paragraph 0036). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Belrose to incorporate the receiving entity/device as a digital computer in Belrose's invention as taught by Moran for running a product. The motivation for the



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modification is to do so in order to provide higher memory space such that a PC user can store more messages/software program in the PC's memory space and run the program to perform features.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Md. Shafiul Alam Elahee*  
MD SHAFIUL ALAM ELAHEE  
Examiner  
Art Unit 2614  
September 17, 2007